

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

)  
JANE C. CALDWELL, )  
                       )  
Plaintiff,          )  
                       )  
v.                   ) 1:03CV00707  
                       )  
STEPHEN L. JOHNSON, )  
Administrator for the United )  
States Environmental Protection )  
Agency,              )  
                       )  
Defendant.          )

ORDER

OSTEEN, District Judge

In this Standing Order 30 proceeding, the Magistrate Judge has recommended that the court find that the Supreme Court's decision in Burlington Northern & Santa Fe Ry. Co. v. White, 126 S. Ct. 2406 (2006) has no effect on the court's prior analysis. Plaintiff timely filed objections to the recommendation and Defendant responded.

This court has conducted a review of the file and has determined that the recommendation of the Magistrate Judge is appropriate and should be adopted.

The court adopts the recommendation of the Magistrate Judge entered April 3, 2007, as its own findings and conclusions.

IT IS THEREFORE ORDERED that the Supreme Court's decision in  
Burlington Northern & Santa Fe Ry. Co. v. White, 126 S. Ct. 2406  
(2006) has no effect on the court's prior analysis.

This the 18th day of June 2007.

  
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United States District Judge